

[Handwritten mark]



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,306	11/26/2001	Troy A. Miller	DP-306204	8684

7590 06/05/2003

SCOTT A. MCBAIN
DELPHI TECHNOLOGIES, INC. Legal Staff
1450 W. Long Lake
P.O. BOX 5052 Mail Code: 482-204-450
Troy, MI 48098

EXAMINER

NGUYEN, XUAN LAN T

ART UNIT PAPER NUMBER

3683

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,306

Applicant(s)

MILLER ET AL.

Examiner

Lan Nguyen

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-19 is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-893)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Steer et al.

Re: claim 1, Steer et al. show a valve spool for a suspension damper, as in the present invention, comprising: a body portion 11 having a fluid path 18 therethrough and an upper edge 14; a bridge 15 connected to the body portion, the bridge extending at least partially beyond the upper edge of the body portion as shown in figure 1.

Re: claims 2-5, as shown in figure 1. Steer further shows slot 17.

3. Claims 6 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Harding.

Re: claim 6, Harding shows a valve capable of regulating fluid for a suspension damper, as in the present invention, comprising: a valve spool 38 including a body portion 42 having a fluid path 46,48 therethrough and having an upper edge 42a; a bridge 52 connected to the body portion, the bridge extending at least partially beyond the upper edge of the body portion as shown in figure 2; an actuating pin 40 in contact

Art Unit: 3683

with the bridge to move the valve spool between an open and a close position as shown in figures 2 and 3.

Re: claim 9, Harding shows the body portion to be cylindrical.

Re: claims 10 and 11, bridge 52 defines slot 34 registered to aperture 34a in figure 3.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steer et al.

Re: claim 6, Steer shows a valve for a suspension damper, as in the present invention, comprising: a valve spool including a body portion 11 having a fluid path 18 therethrough and having an upper edge 14; a bridge 15 connected to the body portion, the bridge extending at least partially beyond the upper edge of the body portion as shown in figure 1; an actuating pin 22 in contact with the bridge to open and close the valve spool. Steer's valve comprises the same elements as the claimed invention. However, Steer's stem 22 moves to open and close the valve while in the claimed invention, the body portion 11 moves to open and close the valve. Nonetheless, the valve functions in the same manner to open and close. It is observed that Steer's valve

Art Unit: 3683

and the claimed invention's valve comprises the same elements with reversed motions of the elements to accomplish the same task. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have reversed the motions of the stem and the valve body to accomplish the same task of opening and closing the valve depending on each application.

Re: claims 7-10, as shown in figure 1. Steer further shows slot 17.

Re: claim 11, it is inherent that said slot would register with an aperture in the bore in order for fluid to flow in and out of said bore.

Re: claim 12, Steer further shows spring 29 biasing the stem 22 to close said valve. This motion is the reverse of the spring biasing the valve body to close said valve, as discussed above.

Allowable Subject Matter

6. Claims 13-19 are allowed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lewis et al., Sifkovitz, de Carbon, Clark et al. and Oliver et al. show various dampers and valves.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3683

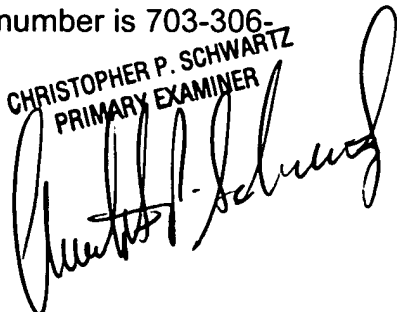
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347. The examiner can normally be reached on M-F, 9 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER


Application/Control Number: 09/994,306

Page 6

Art Unit: 3683

XLN

May 21, 2003

XLN